

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR LAWRENCE COUNTY)

Case No. 47S00-1301-MS- 81

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Lawrence Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Lawrence Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR47-AR00-002 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR47-AR00-002 for Lawrence County Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective February 1, 2013. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Andrea K. McCord, Lawrence Circuit Court, Courthouse, Bedford, IN 47421-3852; the Hon. Michael A. Robbins, Lawrence Superior Court, Courthouse Plaza, Lower Level, 918 Sixteenth Street, Suite 300, Bedford, IN 47421; the Hon. William G. Sleva, Lawrence Superior Court, Courthouse Plaza, Lower Level, 918 Sixteenth Street, Suite 400, Bedford, IN 47421-3334; to the Clerk of the Lawrence Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Lawrence Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 28th day of January, 2013.

ACTING

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR47-AR00-002 ASSIGNMENT OF CASES

A. Generally. This Local Rule on assignment of cases supersedes prior rules and will be effective on February 1st, 2013.

B. Criminal Case Assignment.

1. All felonies, including those classified as Murder, Class A, Class B, and Class C, as well as those Class D felonies which do not charge an alcohol or controlled substance offense, shall be filed in equal proportion, on a blind filing basis, in the two Superior Courts through the Office of the Lawrence County Clerk, with Superior Court Division I assigned 2/3 of those cases and Superior Court Division II assigned 1/3 of those cases. All Class D felonies and misdemeanors charging an alcohol or controlled substance offense, and all infraction and ordinance violations, shall be filed in the Lawrence Superior Court, Division II. All other non-traffic related misdemeanors shall be filed in the Lawrence Superior Court, Division I. All initial filing determinations shall be on the basis of the most serious offense charged.
2. Charges involving co-defendants will, if possible, be filed in the same Court. The Courts will transfer such cases if such co-defendants are inadvertently separated at the time of the original filing.

C. Transfer of Criminal Cases. The Judges of the Lawrence Superior Courts, by appropriate order, may transfer and reassign to the other Courts any pending case, subject to acceptance by the receiving Court.

D. Re-Filing and Subsequent Filing of Criminal Cases. Upon dismissal of a case by the State of Indiana and a subsequent re-filing of the case based on the same occurrence, such newly filed case shall be re-filed in the Court from which the dismissal was taken. Further, in the event additional criminal charges are filed against a felony defendant at any time prior to sentencing, the additional charges shall be filed in the Court in which the other charges are already pending.

E. Change of Judge in Criminal Case. In the event the regular Judge of the Court recuses himself/herself, the case shall be assigned as follows: from the Judge of the Superior Court, Division I, to the Judge of the Superior Court, Division II; from the Judge of the Superior Court, Division II, to the Judge of the Superior Court, Division I. In the event the three regular Judges of the Lawrence Superior Courts are disqualified, the case shall be assigned first to the Judges of the Monroe Circuits Courts, then to the Judges of the Jackson Circuit and Superior Courts, then to the Judges of Greene Circuit and Superior Courts, and then to the Judges of Orange Circuit and Superior Courts, all on a rotating basis in the preceding order.

F. Civil and Other Case Assignment. All small claims shall be filed in the Lawrence Superior Court, Division II. All civil proceedings which are assigned a CP, PL, CT, RS, MF, CC or MI cause number shall be filed in the Lawrence Circuit Court through the Clerk of Lawrence County. Additionally, all proceedings regarding dissolution of marriage shall be filed in the Lawrence Circuit Court and the Lawrence Superior Court, Division I, on a rotating basis, through the Clerk of Lawrence County. All mental health proceedings shall be filed in the Lawrence Superior Court, Division I. All protective order requests shall be filed in the Lawrence Circuit Court, subject to statutory exception and any exception specified by these rules. Additionally, if a dissolution action has been filed in the Lawrence Circuit or Superior Court, Division I, a subsequently filed protective order, with the same parties, shall be filed in that Court. Any Protective Order in which there is a companion criminal case shall be filed in the court that has jurisdiction over the criminal cause. All probate juvenile, guardianship, trust, adoption, or Title IV-D support collection matters, excepting those where the original dissolution was in Superior Court, Division I, shall be filed in the Lawrence Circuit Court.

G. Modification. The Courts of Lawrence County may, from time to time, modify the above rules regarding local assignment of cases to meet the needs of the Courts in circumstances deemed necessary by agreement of the Judges of the Courts of Lawrence County. Some instances that may necessitate temporary modification of this assignment of cases rule are as follows: temporary extended absence or disability of a Judge; a case of size or complexity to overburden a particular Court; temporary case load disparities.